



# California Regional Water Quality Control Board

## San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties

Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA



Arnold Schwarzenegger  
Governor

Linda S. Adams  
Secretary for  
Environmental Protection

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353

(858) 467-2952 • Fax (858) 571-6972

[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

November 21, 2008

**CERTIFIED MAIL – RECEIPT REQUESTED**

7008 1140 0004 9971 8252

Mr. Ryan Armstrong  
Armstrong Farms  
P.O. Box 2299  
27431 North Lake Wohlford Road  
Valley Center, CA 92082

In Reply Refer to:  
**GWB:ORCU:agrove**

Dear Mr. Armstrong:

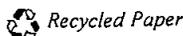
**SUBJECT: NOTICE OF VIOLATION NO. R9-2008-0149; FAILURE TO COMPLY WITH BASIN PLAN WASTE DISCHARGE PROHIBITIONS 1, 2, 6, 7, AND 8, AND CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS NO. 3 ARMSTRONG FARMS, VALLEY CENTER, CA**

Enclosed is a copy of Notice of Violation No. R9-2008-0149 alleging that Armstrong Farms is in violation of Waste Discharge Prohibitions 1, 2, 6, 7, and 8, and Conditional Waiver No. 3, "Discharges from Animal Operations," prescribed in the *Water Quality Control Plan for the San Diego Basin (Basin Plan)*.<sup>1</sup> This NOV has been issued because Armstrong Farms failed to implement adequate best management practices (BMPs) specifically required by Conditional Waiver No. 3. The failure to implement BMPs led to the violation of Basin Plan Prohibitions 1, 2, 6, 7, and 8. The site conditions observed during the inspection threaten to cause a condition of pollution, contamination, and/or nuisance.

These violations subject Armstrong Farms to enforcement action by the California Regional Water Quality Control Board, San Diego Region (Regional Board), including administrative enforcement orders requiring Armstrong Farms to cleanup waste and abate existing or threatened conditions of pollution or nuisance, administrative judicial proceedings for the assessment of civil liability in amounts of up to \$1,000 per day; referral to the State Attorney General for injunctive relief; and referral to the District Attorney for criminal prosecution.

<sup>1</sup> Resolution No. R9-2007-0104 was issued by the California Regional Water Quality Control Board, San Diego Region as an amendment to the *Water Quality Control Plan for the San Diego Basin (9)* to incorporate the Revised Conditional Waivers of Waste Discharge Requirements for Specific Types of Discharge within the San Diego Region. This Resolution was adopted by the San Diego Regional Water Quality Control Board on October 7, 2007. A copy of Conditional Waiver No. 3 to Resolution No. R9-2007-0104 was sent to you as an attachment by letter dated October 10, 2008.

*California Environmental Protection Agency*









**2. Basin Plan Prohibition (2)**

*The discharge of waste to land, except as authorized by waste discharge requirements or the terms described in California Water Code section 13264 is prohibited*

**Finding:** The Site does not have adequate BMPs and/or MMs to prevent the discharge of animal waste and process water from the Site to adjacent property. Poultry manure and other waste are stockpiled and composted on the Site without adequate BMPs and/or MMs to prevent the discharges into waters of the state. These discharges are not authorized by waste discharge requirements or the terms described in Water Code section 13264.

**3. Basin Plan Prohibition (3)**

*The discharge of pollutants or dredged or fill material to waters of the United States except as authorized by an NPDES permit or a dredged or fill material permit (subject to the exemption described in California Water Code §13376) is prohibited.*

**Finding:** The site does not have BMPs in place to prevent storm water run-on from coming into contact with manure/composting piles which would result in a discharge of pollutants to surface waters.

**4. Basin Plan Prohibition (6)**

*The discharge of waste in a manner causing flow, ponding, or surfacing on lands not owned or under the control of the discharger is prohibited, unless the discharge is authorized by the Regional Board.*

**Finding:** The Site does not have adequate BMPs and/or MMs to prevent the discharge of animal waste and process water from the Site to adjacent property.

**5. Basin Plan Prohibition (7)**

*The dumping, deposition, or discharge of waste directly into waters of the state, or adjacent to such waters in any manner which may permit its being*

*transported into the waters, is prohibited unless authorized by the Regional Board.*

**Finding:** Poultry manure and other waste are stockpiled and composted on the Site without adequate BMPs and/or MMs to prevent discharges into waters of the state.

#### **6. Basin Plan Prohibition (8)**

*Any discharge to a storm water conveyance system that is not composed entirely of "storm water" is prohibited unless authorized by the Regional Board. [The federal regulations, 40 CFR 122.26(b)(13), define storm water as storm water runoff, snow melt runoff, and surface runoff and drainage. 40 CFR 122.26(b)(2) defines an illicit discharge as any discharge to a storm water conveyance system that is not composed entirely of storm water except discharges pursuant to a NPDES permit and discharges resulting from fire fighting activities.] [§122.26 amended a 56 FR 56553, November 5, 1991; 57 FR 11412, April 2, 1992].*

**Finding:** The Site does not have adequate BMPs and/or MMs to prevent discharges of water used for the roof sprinkler cooling system from discharging elevated levels of nutrients and contaminants from the facility to an off-site storm water conveyance system.

#### **B. VIOLATIONS OF BASIN PLAN CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS NO. 3 FOR DISCHARGES FROM ANIMAL OPERATIONS**

The following conditions of Conditional Waiver No. 3, Dischargers from Animal Operations, are threatened to be violated by Armstrong Farms.

##### **1. General Conditions**

The general condition of the resolution states that the discharge shall not create a nuisance or pollution as defined in the Porter Cologne Water Quality Control Act (Water Code)

**Finding:** The Site does not have adequate BMPs and/or MMs to prevent the discharge of animal waste and process water containing elevated levels of nutrients and contaminants from the Site to waters of the State, which threatens



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION**

**FACILITY INSPECTION DATA ENTRY FORM**

INSPECTION DATE: 10/14/08 TIME: 9:30am WQID: \_\_\_\_\_ ORDER NO. Waiver FILE NO. \_\_\_\_\_

FACILITY REPRESENTATIVE(S) PRESENT DURING INSPECTION: Mr. Ryan Armstrong

Ryan Alan Armstrong  
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

760-802-7945  
OWNER CONTACT NAME AND PHONE #

Armstrong Farms  
FACILITY OR DEVELOPER NAME (if different from owner)

Same As Above  
FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

P.O. Box 2299, 27431 N. Lake Wauford Rd  
FACILITY STREET ADDRESS

Valley Center, CA  
FACILITY CITY AND STATE

**APPLICABLE WATER QUALITY LICENSING REQUIREMENTS (CHECK ALL THAT APPLY)**

- MS4 URBAN RUNOFF REQUIREMENTS NPDES NOS. CAS0108758, CAS0108740 or CAS0108766
- CONSTRUCTION GENERAL PERMIT ORDER NO. 99-08-DWQ, NPDES NO. CAS000002
- CALTRANS GENERAL PERMIT ORDER NO. 99-06-DWQ, NPDES NO. CAS000003
- INDUSTRIAL GENERAL PERMIT ORDER NO. 97-03-DWQ, NPDES NO. CAS000001
- GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS OR NPDES
- GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
- SECTION 401 WATER QUALITY CERTIFICATION
- CWC SECTION 13264

**INSPECTION TYPE (Check One)**

- A1 \_\_\_\_\_ "A" type compliance--Comprehensive inspection in which samples are taken. (EPA Type S)
- B1 \_\_\_\_\_ "B" type compliance--A routine nonsampling inspection. (EPA Type C)
- 02 \_\_\_\_\_ Noncompliance follow-up--Inspection made to verify correction of a previously identified violation.
- 03 \_\_\_\_\_ Enforcement follow-up--Inspection made to verify that conditions of an enforcement action are being met.
- 04  Complaint--Inspection made in response to a complaint.
- 05 \_\_\_\_\_ Pre-requirement--Inspection made to gather info. relative to preparing, modifying, or rescinding requirements.
- 06 \_\_\_\_\_ Miscellaneous - inspection type is not included on this list, may include NOT, NEC, NONA or other types
- 07 \_\_\_\_\_ Pretreatment Audit (every five years)
- 08 \_\_\_\_\_ Pretreatment Compliance (yearly except audit year)

**INSPECTION FINDINGS**

- Y Were violations noted during this inspection? (Yes/No/Review Sample Results)
- N Were samples taken? (N=no) If YES then, G= grab or C= Composite and attach a copy of the sample results/chain of custody form

**I. COMPLIANCE HISTORY:**

This site is regulated under Conditional Waiver No. 3 (Resolution No. R9-2007-0704) - Discharges from Animal Operations.

**II. FINDINGS**

This site is not in compliance with conditional waiver No. 3. Although staff did not observe either stormwater or process waste water leaving the site on the day of the inspection, staff did not evidence of previous discharges. The site does not have adequate

FACILITY: Armstrong Farms (WDID) \_\_\_\_\_ INSPECTION DATE: 10/14/08

best management practices (BMPs) in place to prevent process wastewater from leaving the site; from storm water coming into contact with manure piles, or to ensure that storm water & process wastewater does not mix & discharge offsite.

Issues/Site Locations Requiring Corrective Actions:

- 1) Remove roof misting runoff water to east end of facility to tank;
- 2) Berm manure beds area @ east end of facility
- 3) Berm manure beds area @ truck entry / gate area. Install curb.
- 4) Berm & implement BMPs at manure bed & truck loading station
- 5) Route roof rain runoff so that commingling of waters does not occur
- 6) Consult w/ design engineer for needed modifications
- 7) Wastewater detention pond construction proposal.

III. RECOMMENDATIONS AND ADDITIONAL ITEMS FOR FOLLOWUP

This site may be subject to USEPA CAFO regulations.

SWPPP Reviewed: YES \_\_\_ NO X

COPY PROVIDED TO OPERATOR? YES \_\_\_ NO X COPY TO BE MAILED? YES X NO \_\_\_

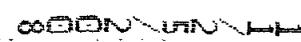
COMMENTS REGARDING INSPECTION (FOR ENTRY INTO SWIM, such as notes on photos, file locations and/or samples):

RESPONSIBLE PARTY \_\_\_\_\_ SIGNATURE \_\_\_\_\_ INSPECTION DATE \_\_\_\_\_

STAFF INSPECTOR \_\_\_\_\_ SIGNATURE \_\_\_\_\_ INSPECTION DATE \_\_\_\_\_

IV. (For internal use only)

Reviewed by Supervisor: <u>Robert Marris</u>		Date: <u>10-27-2008</u>
cc: City _____	Contact _____	
Program: NPDES STORM NON15-WDR 401 NPS TITLE 27 AGT DoD LNDISP PTPRG RCRA SLIC REC		
Inter-office Referral: 1) _____	2) _____	3) _____
4) _____	5) _____	





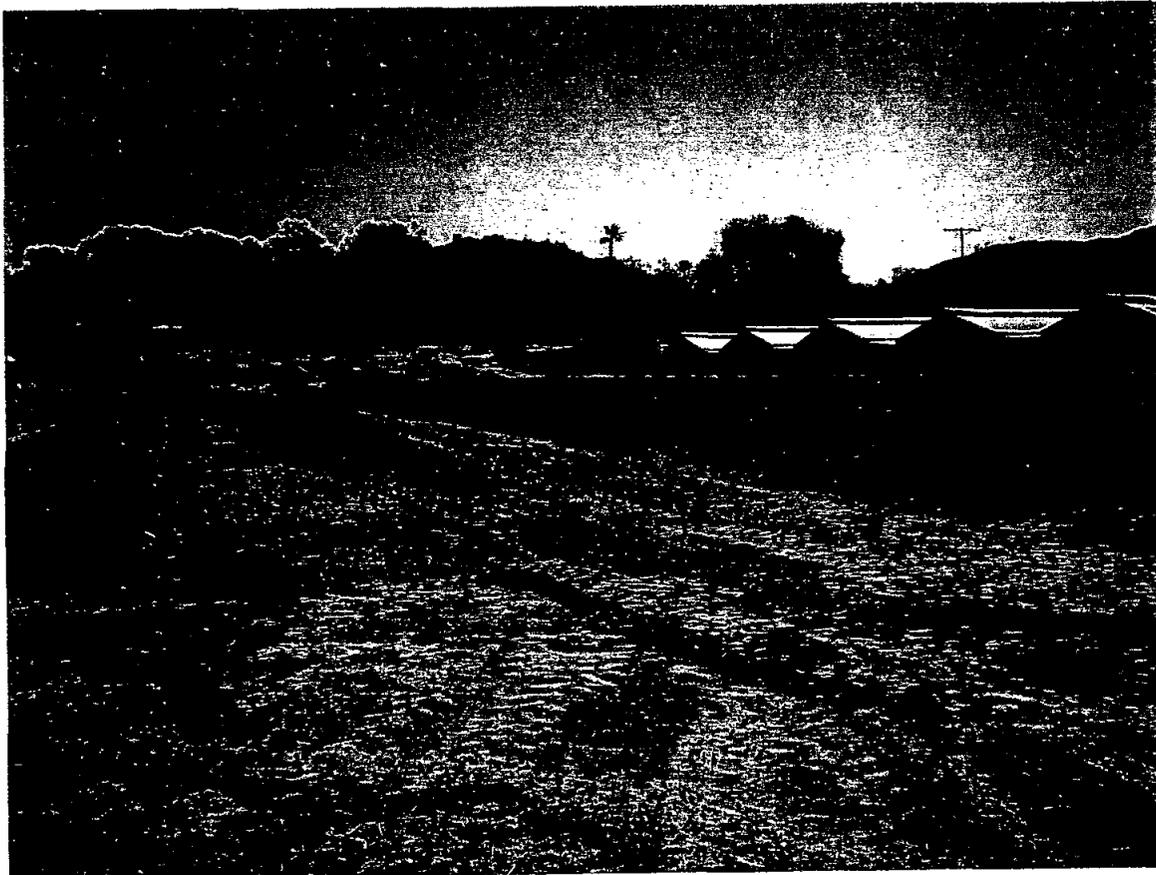
Armstrong Farms  
Valley Center, CA  
Inspection Date: October 14, 2008

Photo shows manure piles onsite. There are no best management practices (BMPs) in place to prevent storm water from coming into contact with the manure piles, and to prevent that water from leaving the site.



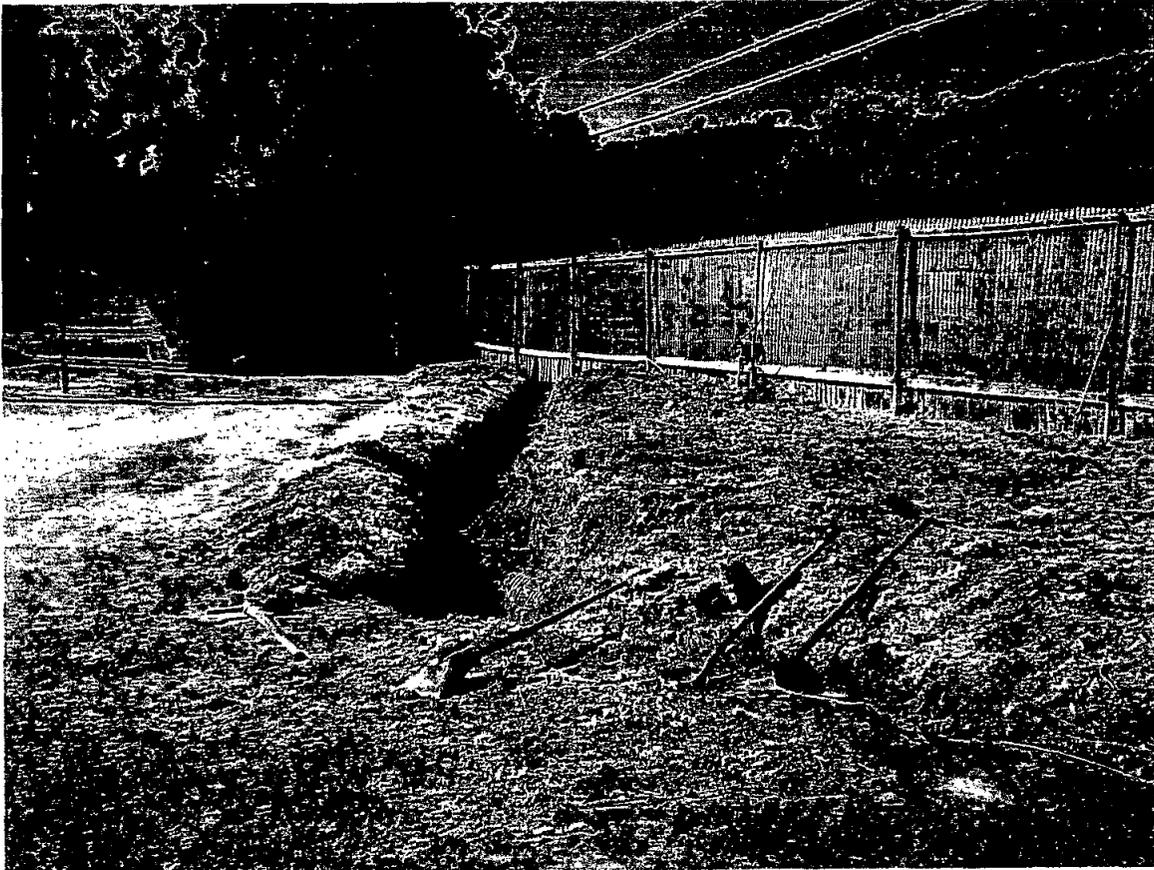
Armstrong Farms  
Valley Center, CA  
Inspection Date: October 14, 2008

Manure piles near the truck gate which do not have any BMPs in place to prevent storm water from coming into contact with manure, then discharging offsite.



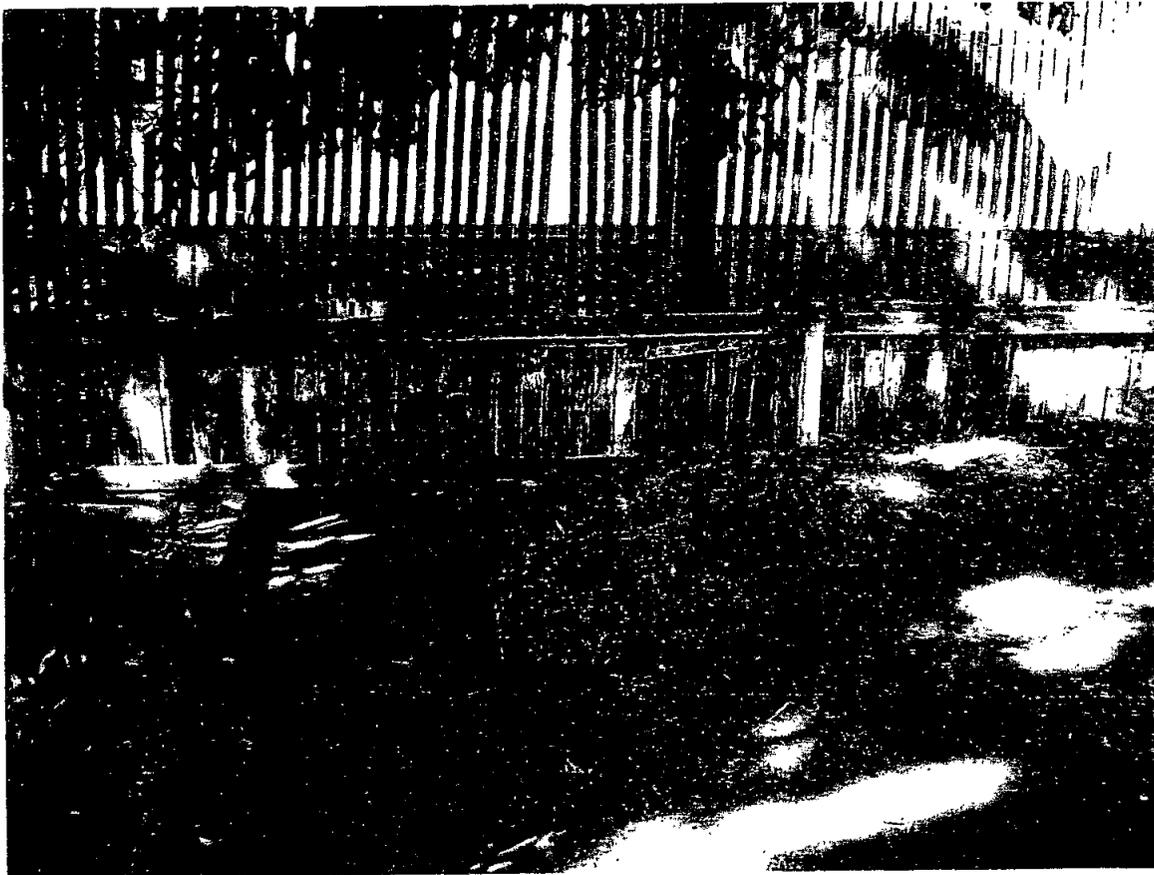
Armstrong Farms  
Valley Center, CA  
Inspection Date: October 14, 2008

The picture shows a trench constructed by the owners to allow storm water to run offsite to the property boundary and beyond to the roadway easement and culvert.



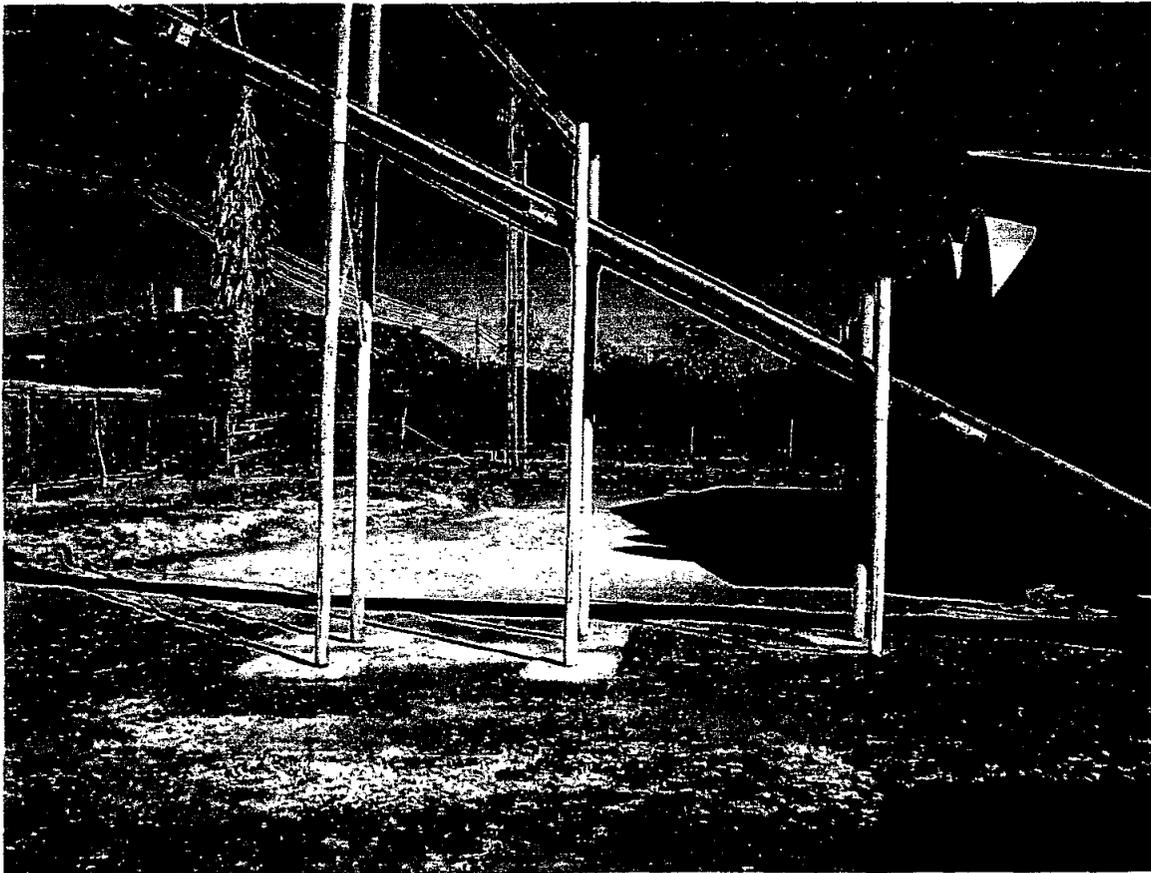
Armstrong Farms  
Valley Center, CA  
Inspection Date: October 14, 2008

This is a culvert that allows storm water or process water to leave the facility and discharge to the property boundary, and beyond into the roadway easement.



Armstrong Farms  
Valley Center, CA  
Inspection Date: October 14, 2008

This is the end of the conveyor belt that moves the manure from the chicken house to a truck, which hauls it over to the manure piles twice a week. There are no best management practices in place to catch any manure that misses the truck and falls on the ground. Staff observed manure sitting on the ground in this area.



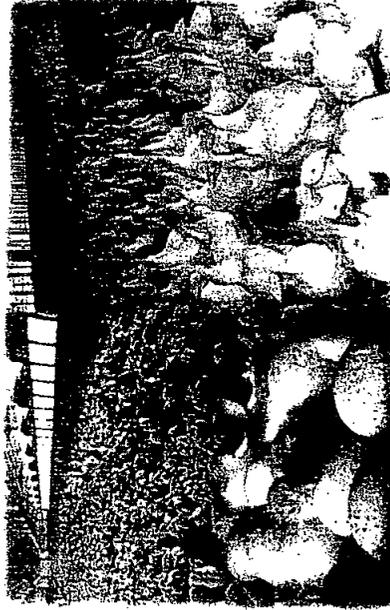


United States  
Environmental Protection Agency (4203)  
Washington, DC 20460  
Official Business  
Penalty for Private Use \$300

# Concentrated Animal Feeding Operations

## *Clean Water Act Requirements*

**What Are the Federal Requirements for  
Chicken and Turkey CAFOs?**



In December 2002, EPA revised the Clean Water Act regulation for Concentrated Animal Feeding Operations, or CAFOs. If you own or operate a chicken or turkey CAFO, you must apply for a permit. This pamphlet gives general information about what your permitting authority might require in your CAFO's permit.

*Information Series Pamphlet*

## **Other Pamphlets in EPA's CAFO Clean Water Act Requirements Information Series**

**Will My Operation Be Regulated?**  
EPA 833-F-02-006

**What Are the Federal Requirements for Swine CAFOs?**  
EPA 833-F-02-007

**What Are the Federal Requirements for Dairy Cow and Heifer CAFOs?**  
EPA 833-F-02-009

**What Are the Federal Requirements for Beef Cattle and Veal Calf CAFOs?**  
EPA 833-F-02-0010

**What Are the Federal Requirements for Horse and Sheep CAFOs?**  
EPA 833-F-02-0011

**What Are the Federal Requirements for Duck CAFOs?**  
EPA 833-F-02-0012

**What Are the Federal Record-Keeping and Reporting Requirements?**  
EPA 833-F-02-0013

**How do I contact my permitting authority?**  
Visit [www.epa.gov/npdes/af/statecontacts](http://www.epa.gov/npdes/af/statecontacts) for contact information on your permitting authority.

**Where can I get copies of these brochures and more information?**

Call the Office of Water Resource Center,

(202) 566-1729 to request copies of these pamphlets and other documents. Call the CAFO Phone Line at

(202) 564-0766 with questions or visit the following EPA or USDA web sites.

**EPA:**

[www.epa.gov/npdes/calorule](http://www.epa.gov/npdes/calorule)

[www.epa.gov/agriculture](http://www.epa.gov/agriculture)

**USDA:**

[www.usda.gov](http://www.usda.gov)

Photos courtesy of USDA and USEPA OECA

**EPA 833-F-02-008**

**December 2002**

## Is my chicken or turkey operation a CAFO?

Your operation is a CAFO if it is an animal feeding operation (AFO) and it meets one of the following conditions

See the pamphlet *Will My Operation Be Regulated?* for the definition of an AFO.

### Large CAFOs

Your chicken or turkey AFO is a Large CAFO if it has at least

- ✓ 55,000 turkeys
- ✓ 30,000 chickens (liquid manure handling systems)
- ✓ 82,000 laying hens (other than liquid manure handling systems)
- ✓ 125,000 chickens except laying hens (other than liquid manure handling systems)

### Medium CAFOs

Your chicken or turkey AFO is a Medium CAFO if it has at least

- ✓ 16,500 turkeys
- ✓ 9,000 chickens (liquid manure handling systems)
- ✓ 25,000 laying hens (other than liquid manure handling systems)
- ✓ 37,500 chickens except laying hens (other than liquid manure handling systems)

*and*

- ✓ a man-made ditch or pipe carries manure or wastewater from your operation *or*
- ✓ your animals come into contact with surface water running through the area where they're confined

### Designated CAFOs

No matter what size your operation is, if it is an AFO, it can be designated a CAFO. If your permitting authority inspects your operation and finds that it's adding pollutants to surface waters, your operation might need a CAFO permit.

## My operation is a CAFO. What do I have to do?

You must apply to your permitting authority for a permit.

Most states have the authority to manage CAFO programs and issue permits. State CAFO programs are based on the revised national CAFO regulation. You can use this pamphlet to help you learn about the *minimum* requirements for a permit. You should contact your permitting authority to find out what your state-specific requirements are and how to apply for a permit. Check the insert to this pamphlet for your permitting authority's contact information.

## What will my operation's permit require?

Your CAFO permit will require you to meet certain conditions for your production and land application areas. The specific requirements of your permit will depend on whether your operation is a Large, Medium, or designated CAFO.

The production area is the area where your animals are housed and manure is stored.

### Requirements for all chicken or turkey CAFOs

You can expect your permit to require you to

- ✓ Implement a nutrient management plan
- ✓ Submit annual reports to your permitting authority
- ✓ Keep your permit current until you completely close your operation and remove all manure
- ✓ Keep records of your nutrient management practices for at least 5 years (See the pamphlet *What Are the Federal Record-Keeping and Reporting Requirements?*)

### Nutrient management plans for all chicken and turkey CAFOs must include provisions for

- ✓ Assuring adequate manure storage capacity
- ✓ Proper handling of dead animals and chemicals
- ✓ Diverting clean water from the production area
- ✓ Keeping animals out of surface water
- ✓ Using site-specific conservation practices
- ✓ Developing ways to test manure and soil
- ✓ Assuring appropriate use of nutrients when you spread manure
- ✓ Keeping records of your nutrient management practices

The land application area includes all the land under your control where you spread manure.

### Your permitting authority might set more requirements for any size CAFO.

### Requirements for medium and designated chicken or turkey CAFOs

Your permitting authority might set more requirements for your nutrient management plan. These requirements will depend on the permit writer's best professional judgment and could be like the requirements for Large chicken or turkey CAFOs.

### Requirements for large chicken or turkey CAFOs

Nutrient management plans for Large chicken and turkey CAFOs have more requirements for production and land application areas.

#### Production area

- ✓ Design your production area to contain all of your CAFO's manure plus the runoff from a 25-year, 24-hour rainfall event (large storms). (Overflows from large storms are

allowed only if your operation is designed and operated to meet these specifications.)

- ✓ Install depth markers in liquid manure storage structures

- ✓ Inspect your production area weekly and all water lines daily

- ✓ Correct any problems you find as soon as possible
- ✓ Properly handle dead animals

**New Large chicken CAFOs**  
Must design your production area to completely contain all manure plus the runoff from all storm events, or to contain manure and runoff from a very large storm. (Overflows are allowed if your operation is designed and operated to meet these specifications.)

#### Land application area

- ✓ Apply manure at rates that meet your permitting authority's standards
- ✓ Analyze manure for nutrient content at least once a year
- ✓ Analyze the soil from your land application fields for phosphorus amounts every 5 years
- ✓ Avoid applying manure to any land within 100 feet of surface water
- ✓ From time to time, inspect your land application equipment for leaks

Some Large chicken CAFOs may qualify for equivalent discharge allowances. If you use innovative technologies, like treating wastewater in your production area, ask your permitting authority about your options.

### Transferring manure to other persons

- ✓ Keep records for at least 5 years on the date, recipient, amount, and nutrient content of the manure you transferred
- ✓ Information about the nutrient content of your manure must be given to the recipient



Concentrated Animal Feeding Operations  
Permitting Authority Contacts

**Alabama**

Richard Hulcher  
Alabama Department of Environmental  
Management  
(334) 394-4326

**Alaska**

U.S. EPA Region 10  
Public Information Center  
(800) 424-4372

**Arizona**

Arizona Department of Environmental  
Quality  
(602) 771-4469

**Arkansas**

Mo Shafii  
Arkansas Department of Environmental  
Quality  
(501) 682-0616

**California**

State Water Resources Control Board  
(916) 341-5587

**Colorado**

Colorado Department of Public Health  
and Environment  
(303) 692-3500

**Connecticut**

Joseph Wetteman  
Connecticut Department of  
Environmental Protection  
(806) 424-3803

**Delaware**

Kevin Donnelly  
Delaware Department of Natural  
Resources and Environmental Control  
(302) 739-4860

**Florida**

Vince Seibold  
Florida Department of Environmental  
Protection  
(850) 921-9387

**Georgia**

Tom Hopkins  
Georgia Department of Natural Resources  
(404) 362-4916

**Hawaii**

Hawaii Department of Health  
(808) 586-4309

**Idaho**

U.S. EPA Region 10  
Public Information Center  
(800) 424-4372

**Illinois**

Bruce Yurdin  
Illinois Environmental Protection Agency  
(217) 782-3362

**Indiana**

Steven Roush  
Indiana Department of Environmental  
Management  
(317) 232-8706

**Iowa**

Iowa Department of Natural Resources  
(515) 281-8693

**Kansas**

Kansas Department of Health &  
Environment  
(785) 296-6432

**Kentucky**

Bruce Scott  
Kentucky Department for Environmental  
Protection  
(502) 564-3410

**Louisiana**

Tom Killeen  
Louisiana Department of Environmental  
Quality  
(225) 765-0100

**Maine**

Gregg Wood  
Maine Department of Environmental  
Protection  
(207) 287-7693

**Maryland**

Robert Summers  
Maryland Department of the Environment  
(410) 631-3567

**Massachusetts**

Bruce Rosinoff  
USEPA Region 1  
(617) 918-1698

**Michigan**

Ronda Wuycheck  
Michigan Department of Environmental  
Quality  
(517) 241-7832

**Minnesota**

Wayne Anderson  
Minnesota Pollution Control  
Agency/Regional Environmental  
Management Division  
(651) 296-7323

**Mississippi**

Bryan Collins  
Mississippi Department of  
Environmental Quality  
(601) 961-5239

**Missouri**

Missouri Department of Natural  
Resources  
(573) 751-1300

**Montana**

Montana Department of Environmental  
Quality  
(406) 444-3080

**Nebraska**

Nebraska Department of Environmental  
Quality  
(402) 471-4239

**Nevada**

Nevada Division of Environmental  
Protection  
(775) 687-9423

**New Hampshire**

Brian Pitt  
USEPA Region 1  
(617) 918-1875

**New Jersey**

Bruce Friedman  
New Jersey Department of  
Environmental Protection  
(609) 633-7021

**New Mexico**

USEPA Region 6  
Kenneth Huffman  
(214) 665-7504

**New York**

Joe Dimura  
New York Department of  
Environmental Conservation  
(518) 402-8111

**North Carolina**

Dennis Ramsey  
North Carolina Department of  
Environment, Health, & Natural  
Resources  
(919) 733-5083 x528

